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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,061	01/24/2000	Yoshiki Kawaoka	0905-0226P-SP	6688

7590 05/18/2004

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 05/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,061

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/16/2004 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 7 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Regarding to claims 7 and 10, the process of *recording the read image file on the second loadable and removable recording medium without checking for duplicate file names*

in the second loadable and removable recording medium was not described in the specification. As disclosed in the specification, *a file-name duplication discrimination unit was disclosed for determining whether a file name of the image file that has been read out by the image file readout unit and a file name of an image file that has been recorded on the second recording medium are duplicates; an image-file recording controller (image-file recording control means), which is responsive to a determination by the file-name duplication discrimination unit that the file names are duplicates, for changing the file name of the image file that has been read out of the first recording medium and recording this read image file on the second recording medium in such a manner that file names of image files that have been recorded on the second recording medium will not be duplicated.* Thus, the process of checking for duplicate file names is necessary before recording the image file.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukada et al. [EP 0 838 767 A2].**

Regarding to claims 7 and 10, Fukada teaches a method and device for filing picture images recorded by a digital camera (Fukada, Col. 1, lines 6-15). As disclosed by Fukada, a file name used upon storage of the image file is determined by the title, the date of recording and an identifying number:

file name = title + date of recording + identifying number, for example:

flower0403001 (Col. 6, lines 19-27). To determine a recorded file name from memory card 2 of FIG. 1 as *a first loadable and removable recording medium* to the hard disc as a *second recording medium*, a file name search and comparison is processed. As a result, if 10 image files with identifying numbers 001 to 010 already exist, a following image file is stored in the hard disc under a file name *flower0403011*, with 011 being the identifying number. Alternatively, by storing the fact that identifying numbers 001 through 010 have already been used for a combination of recording property information *flower0403* and referring to this fact, the processing may be started with the

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identifying number starting from 011 the next time (Col. 6, line 55-Col. 7, line 8). As seen, by utilizing the search & comparison process with 10 image files already stored in the hard disk, *flower0403010* as the last file number is determined and incremented by 1 to have *flower0403011* for a new image file. In other words, the process as discussed performs the claimed *reading out a last file-number of file-numbers for image files that have been recorded on the second recording medium; and incrementing the read out last file-number*. Fukada further discloses when a memory card is set into a slot and the processing is started, image files within the memory card are read one by one in the order to recording, and recording property information contained in the image file is referred to (Col. 6, lines 12-16), the file name of this image file is determined by the method as discussed above, and the first image file read out from the memory card is named *flower0403001* as an example (Col. 6, lines 19-27). The file name is changed to *flower0403011* as the incremented file number (Col. 7, lines 1-3), and the next image will be *flower0403012* (Col. 7, lines 6-8). As seen, when an image file has been read out of the memory card, the file is named and the file name is changed to the incremented file number. In other words, the technique as discussed performs the claimed *changing a file name of the image file that has been read out of the first loadable and removable recording medium to the incremented file-number*. The Fukada process is continued by *recording the read image file on the recording medium* (Col. 7, lines 9-17). Fukada fails to disclose the second recording medium is *loadable and removable*, and recording the image file *without checking for duplicate file names in the second loadable and removable recording medium*. However, Fukada uses a conventional computer as the

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device for processing image files. Such a conventional computer as disclosed, a loadable and removable recording medium as an A drive for a floppy disk is obvious. Fukada further makes a strong suggestion, the picture image filing device specifically means, for example a printing system having the above function and set in a laboratory, a personal computer, a work station or the like (Col. 4, lines 1-5). Thus, instead of processing in a hard drive, a loadable and removable recording medium such as floppy disk could be used for storing. In addition, as shown in FIG. 2, the process of checking for duplication could be bypassed if there is no need to check for two files having a same file name. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Fukada device by including a second loadable and removable recording medium when processing the image files from a first storage medium and bypassing the step of checking duplication in order to have a more user-friendly environment by giving drive options for storing data such as a displaying of selection including C, A, and E drive to the users when processing the image from a digital camera or a memory card of digital camera and speed up the process of recording if there is no need for checking file name duplication.

Regarding to claims 8 and 11, Fukada teaches all the claimed subject matters as discussed in claims 7 and 10, Fukada further discloses the steps of *grouping image files, which have been recorded on the second loadable and removable recording medium according to the types of images represented by the image files* (Col. 5, line 49-Col. 6, line 7).

Regarding to claims 9 and 12, Fukada teaches all the claimed subject matters as discussed in claims 8 and 11, Fukada further discloses the step of *recording a file name corresponding to each group on the second loadable and removable recording medium* (Col. 5, line 49-Col. 6, line 7).

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
May 6, 2004


SHAHID ALAM
PRIMARY EXAMINER